

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America *ex rel.* David Ketrosier,
Gary Latz, Robert Smith, and William Kennedy,

Plaintiffs,

v.

Civil No. 07-4676 (JNE/AJB)
ORDER

Mayo Foundation, Mayo Clinic, Mayo Collaborative
Services, Inc., Mayo Clinic-Saint Mary's Hospital,
and Mayo Clinic-Methodist Hospital,

Defendants.

On July 22, 2011, the Court granted in part and denied in part Mayo Foundation's Motion to Dismiss Relators' Second Amended Complaint. The case is before the Court on Relators' motion pursuant to 28 U.S.C. § 1292(b) (2006) to certify the July 22 Order for appeal. Relators seek certification of the dismissal of part of their second claim. The Court is not of the opinion that the July 22 Order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the Order may materially advance the ultimate termination of the litigation. *See* 28 U.S.C. § 1292(b); *Union County v. Piper Jaffray & Co.*, 525 F.3d 643, 646 (8th Cir. 2008) (noting that interlocutory review is "extraordinary"); *White v. Nix*, 43 F.3d 374, 376 (8th Cir. 1994) ("A motion for certification must be granted sparingly, and the movant bears the heavy burden of demonstrating that the case is an exceptional one in which immediate appeal is warranted."). The Court therefore denies Relators' motion [Docket No. 72].

IT IS SO ORDERED.

Dated: August 31, 2011

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge